

REMARKS

The Notice of Fee Deficiency asserts that Applicants failed to remit claims fees arising from claims added in the Amendment filed August 12, 2002 and failed to authorize a charge to a Deposit Account for these fees. The Notice indicates that the Amendment filed August 12, 2002 has not been entered, and an Office Action was mailed August 21, 2002 which did not take the Amendment into consideration. However, Applicants' attorney did in fact authorize a charge to Deposit Account No. 06-1205 in the Transmittal Letter that accompanied the Amendment filed January 17, 2002. A copy of that Transmittal Letter is enclosed along with a copy of the stamped postcard providing evidence of receipt by the U.S.P.T.O. Page 2 of the Transmittal Letter states: "The Patent and Trademark Office is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205." (emphasis added). Thus, a Deposit Account authorization was in effect at the time the Amendment of August 12, 2002 was filed.

Accordingly, Applicants respectfully submit that the claims fees should have been charged to Deposit Account No. 06-1205, and the Amendment filed August 12, 2002 should have been entered on that date, which was prior to the expiration of the three-month suspension of action requested on May 13, 2002. Nevertheless, to expedite prosecution of the subject application, a check for \$1176 is enclosed herewith to cover the claims fees that are due.

For the reasons explained above, it is believed that the Amendment filed August 12, 2002 should have been entered. Furthermore, in view of the fact that the

Amendment was filed prior to expiration of the three-month suspension of action, the

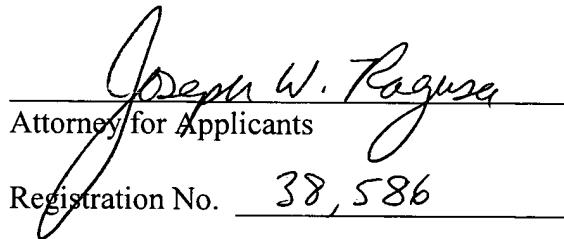
Office Action should have considered the new claims added in the Amendment.

Accordingly, Applicants respectfully request that the Examiner issue a new Office Action that addresses the added claims.

If any additional fees are due (i.e., in addition to the claims fees of \$1176 paid with the enclosed check), the authorization given with the Amendment Filed January 17, 2002 is still in effect, and the Deposit Account may be charged accordingly. Moreover, the Commissioner is hereby again authorized to charge any fees that may be due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Registration No. 38,586

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
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In re Application of:

TAKESHI YAMAWAKI ET AL.

Appln. No.: 09/729,279

Filed: December 5, 2000

Docket No. 03500.014978

Examiner: S. Lee

Group Art Unit: 2852

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COPY

January 17, 2002

For: OPTICAL SCANNING APPARATUS,
IMAGE FORMING APPARATUS, AND
METHODS OF MANUFACTURING
OPTICAL SCANNING APPARATUS
AND IMAGE FORMING APPARATUS

THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 16	MINUS	** 20	= 0	x \$9 \$18	\$0.00
INDEP. CLAIMS	* 2	MINUS	*** 3	= 0	x \$42 \$84	\$0.00
Fee for Multiple Dependent claims \$140°/\$280						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.



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- °Verified Statement claiming small entity status is enclosed, if not filed previously.
- A check in the amount of \$____ is enclosed.
- Charge \$____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Patent and Trademark Office is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.
- A check in the amount of \$____ to cover the Extension fee for response with a ____-month extension is enclosed.
- A check in the amount of \$____ to cover the Information Disclosure Statement fee is enclosed.
- Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100 or by facsimile at (212) 218-2200. All correspondence should continue to be directed to our address given below.

Joseph W. Kays
Attorney for Applicants
Reg. No. 38,586

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